

RECEIVED

FEB 13 2025

AT 8:30
CLERK, U.S. DISTRICT COURT

Law Office of Joseph J. Balliro, Jr.

Balliro & Balliro

300 Salem Street

Wilmington, Massachusetts 01887

(617) 823-2576

joeballirojr@gmail.com

February 10, 2025

Clerk - Civil Business
United States District Court
For the District of New Jersey
Trenton Division
Clarkson S. Fisher Bldg. & US Courthouse
402 East State Street
Rm 2020
Trenton, NJ 08608

RE: Notice of Removal from Case No. C-14-24 from the New Jersey Superior Chancery Division - General Equity Part, Ocean County

Dear Sir/Madam:

Enclosed please find:

1. Notice of Removal with Exhibits.
2. Notice of Pro Se Appearance.
3. Filing fee \$405.00.

I am a member of PACER in Massachusetts. I will make contact with your PACER administrator for future filings.

Sincerely yours,

/s Joseph J. Balliro, Jr.
Joseph J. Balliro, Jr.

Enclosure

cc: By Electronic Transmission:

Jared M. Wichnovitz, Esquire

Thomas DeNoia, Esquire

By U.S. Mail, Postage Prepaid:

New Jersey Superior Court

Chancery Division

General Equity Part

Ocean County

By FedEx overnight

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY - Trenton

RECEIVED

FEB 13 2025

AT 8:30 _____ AM
CLERK, U.S. DISTRICT COURT - D.N.J.

DAVID WHITAKER, *
Plaintiff, *

- vs. - *

JANE MASON, *
Defendant/Third Party Plaintiff *

- vs - *

JOSEPH J. BALLIRO, JR. ESQ. *
Third Party Defendant. *

C.A. No.:
(Formerly New Jersey Superior
Chancery Division - General
Equity Part - Ocean County
Docket Number: C-14-24)

**NOTICE OF REMOVAL OF THIRD PARTY COMPLAINT
BY OUT-OF-STATE THIRD PARTY DEFENDANT/ATTORNEY
JOSEPH J. BALLIRO, JR.
(Assented to by Plaintiff David Whitaker)**

Third Party Defendant Joseph J. Balliro, Jr., Esquire hereby removes Case No. C-14-24 from the New Jersey Superior Chancery Division - General Equity Part, Ocean County, to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §§1332, 1441, and 1446.

As grounds for removal attorney Balliro states the following:

I. Introduction

1. On or about February 5, 2025, Joseph J. Balliro, Jr., Esquire, an attorney in good standing in the Commonwealth of Massachusetts, among other jurisdictions and nationwide, was served with a third party complaint by defendant Jane Mason and her counsel Thomas DeNoia, Esquire, falsely and maliciously claiming professional malpractice, conspiracy with the Plaintiff David Whitaker, and fraud as general counsel for various companies. (Certificate of Good Standing; Exhibit A)

II. Support Under Jurisdiction Under 28 U.S.C. §1332(A)

a. Diversity

2. Third Party Defendant Joseph J. Balliro, Jr., resides in and has one office in Wilmington, Massachusetts. (See attached Exhibit B)
3. Plaintiff David Whitaker resides in the state of Georgia.
4. Defendant Jane Mason resides and works in the state of New Jersey.
5. Attorney DeNoia works in, is licensed in, resides, and practices law in the state of New Jersey.

b. Joinder

6. The Plaintiff David Whitaker joins and assents to this transfer.

c. Amount in Controversy

7. Defendant Jane Mason has claimed financial deprivation of 8 million dollars.
8. Defendant Jane Mason has purposely and intentionally failed to authorize the payment of legal fees to Joseph J. Balliro, Jr. totaling One Hundred and Forty-Five Thousand Five Hundred (\$145,500.00) dollars despite attorney Balliro's efforts to compromise the debt.
9. Third Party Defendant Joseph J. Balliro, Jr., has been harmed by the failure of Jane Mason to authorize payment of his fees and by the *defamation* associated with her and her counsel's unfounded and malicious claims far in excess of the threshold for jurisdiction in this Court.

III. Procedural Requirements For Removal

10. No Court documents have been served by or on the third party defendant Joseph J. Balliro, Jr., Esquire (other than the third party complaint).

11. Pursuant to 28 U.S.C. §§ 1446(a), and LR 81.1, true and correct copies of the process, pleadings, orders and documents on file in the State Court Action will be filed within 28 days of the filing of this Notice of Removal.
12. Removal is timely in accordance with 28 U.S.C. §§ 1446(b).
13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the District of New Jersey is the federal judicial district embracing New Jersey Superior Chancery Division - General Equity Part, Ocean County, where the State Court Action was originally filed.

Conclusion

By this Notice of Removal, third-party defendant Joseph J. Balliro, Jr, Esquire does not waive any objections he may have as to service, jurisdiction or venue, or any other defenses or objections he may have to this action. Third-party defendant Joseph J. Balliro, Jr, Esquire intends no admissions of fact, law, or liability by this Notice and expressly reserves all defenses, motions or pleas, and counterclaims.

Respectfully Submitted,
Third Party Defendant
Joseph J. Balliro, Jr.
Pro Se,

/s/ Joseph J. Balliro, Jr.
Joseph J. Balliro, Jr., Esquire
Balliro & Balliro
Law Offices of Joseph J. Balliro, Jr.
300 Salem Street
Wilmington, Massachusetts 01887
BBO# 550194
(617) 823-2576
joeballirojr@gmail.com

Date: February 8, 2025

Exhibit A



MAURA S. DOYLE
CLERK

The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
JOHN ADAMS COURTHOUSE
ONE PEMBERTON SQUARE, SUITE 1300
BOSTON, MASSACHUSETTS 02108-1707
WWW.SJCCOUNTYCLERK.COM

CASE INFORMATION (617) 557-1100
FACSIMILE (617) 557-1117
ATTORNEY SERVICES (617) 557-1050
FACSIMILE (617) 557-1055

October 18, 2024

Attorney Joseph James Balliro, Jr.
Joseph Balliro
300 Salem Street
Wilmington, MA 01887
joeballirojr@gmail.com

IN RE: CERTIFICATE OF ADMISSION AND GOOD STANDING

Enclosed please find the Certificate of Admission and Good Standing for Commonwealth of Massachusetts Attorney **Joseph James Balliro, Jr.** . The certificate provides certification of the attorney's date of admission and current good standing at the Bar of the Commonwealth of Massachusetts.

If you have any questions or should need further assistance, please do not hesitate to contact the Attorney Services Department at either sjccertsgs@sjc.state.ma.us or 617-557-1050.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maura S. Doyle".

MAURA S. DOYLE
Clerk
Supreme Judicial Court

MSD/ jr
Clearance: 10/18/2024 10.17.2024
Enclosures

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on **December 21, 1987**, said Court being the highest Court of Record in said Commonwealth:

Joseph James Balliro, Jr.

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the

seal of said Court, this << **eighteenth** day of **October**

in the year of our Lord **two thousand and twenty-four**.



MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification. X3116.

Exhibit B

**Massachusetts Board of Bar Overseers
Of the Supreme Judicial Court**

Admittance Date: 12/21/1987

Expiration: 09/01/2025

BBO #: 550194

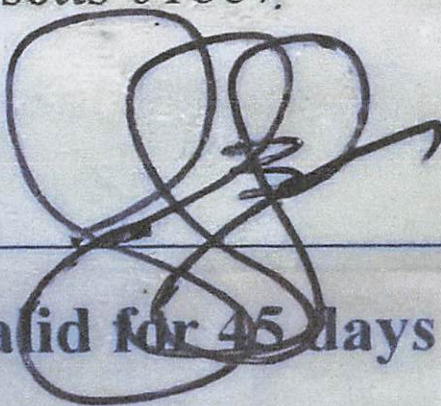
Joseph James Balliro Jr

Law Offices of Joseph J. Balliro, Jr.

300 Salem Street

Wilmington, Massachusetts 01887

Signature: _____

A handwritten signature in dark ink, appearing to be "J. Balliro", written over a horizontal line.

Certificate valid for 45 days after expiration date.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY - Trenton

DAVID WHITAKER,
Plaintiff,

- vs. -

JANE MASON,
Defendant/Third Party Plaintiff

- vs -

JOSEPH J. BALLIRO, JR. ESQ.
Third Party Defendant.

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C.A. No.:
(Formerly New Jersey Superior
Chancery Division - General
Equity Part - Ocean County
Docket Number: C-14-24)

NOTICE OF PRO SE APPEARANCE

Joseph J. Balliro, Jr. hereby gives notice of his appearance pro se in the above captioned matter.

Respectfully Submitted,
Third Party Defendant
Joseph J. Balliro, Jr.
Pro Se,

/s/ Joseph J. Balliro, Jr.
Joseph J. Balliro, Jr., Esquire
Balliro & Balliro
Law Offices of Joseph J. Balliro, Jr.
300 Salem Street
Wilmington, Massachusetts 01887
BBO# 550194
(617) 823-2576
joeballirojr@gmail.com

Date: February 8, 2025

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS David Whitaker**DEFENDANTS**Jane Mason

(b) AT 8:30
County of Residence of First Listed Plaintiff M State of Georgia
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Ocean
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jared M. Winchnovitz, 50 Harrison St., Ste 206, Hoboken, NJ 07030
(732) 765-2157

Attorneys (If Known) Thomas DeNoia, 501 Main St., Toms River, NJ 08753, (732) 341-1030

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C s. 1332; 1441; 1446Brief description of cause: 3rd Party Complaint for Malpractice, Fraud, Conspiracy**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 8 Million **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 02/08/2025

SIGNATURE OF ATTORNEY OF RECORD

3rd Party defendant acting pro se /s Joseph J. Balliro, Jr., Esquire, Mass BBO#550194

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____